



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,710	03/26/2004	Markus Isomaki	59643.00382	8092
32294 7590 08/18/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER WILSON, ROBERT W				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
08/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,710

Applicant(s)

ISOMAKI ET AL.

Examiner

ROBERT W. WILSON

Art Unit

2619

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, & 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-15, & 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (U.S. Patent No.: 6,725,053).

Referring to claim 1, the first embodiment of Rosen teaches: A method (Fig 1 performs the method) comprising:

Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition first embodiment of Rosen teaches:

Regarding claim 2, wherein including the floor status information comprises including the floor status information in an offer for the communication session. (grant permission or offer per col. 4 line 34 to 46)

Referring to claim 3, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 2

The first embodiment of Rosen does not expressly call for: further comprising an indication that the floor is taken in the offer

The second embodiment of Rosen teaches: further comprising an indication that the floor is taken in the offer (Net status in response to conflicting request per col. 6 line 59 to col. 7 line 23)

It would have been obvious to add the further comprising an indication that the floor is taken in the offer of the second embodiment of Rosen to the processing of the combination of the first and second embodiments of Rosen in order to better arbitrate the request processing.

Referring to claim 4, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 1

The first embodiment of Rosen does not expressly call for: wherein the including the floor status information comprises including in an answer to an offer for the communication session

The second embodiment of Rosen teaches: wherein the including the floor status information comprises including in an answer to an offer for the communication session (Beginning (answer) in response to push-to talk request per col. 6 line 59 to col. 7 line 23)

It would have been obvious to add the wherein the including the floor status information comprises including in an answer to an offer for the communication session of the second embodiment of Rosen to the processing of the combination of the first and second embodiments of Rosen in order to better arbitrate the request processing.

In addition the first embodiment of Rosen teaches:

Regarding claim 5, further comprising including an indication that a floor is granted in the answer (grant permission or answer per col. 4 line 34 to 46)

Referring to claim 7, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 1 and First embodiment teaches: carrying a push to talk service session (Carrying a PTT associated with net or session per col. 3 line 5 to col. 6 line 30)

The first embodiment of Rosen does not expressly call for: session initiation protocol.

The second embodiment of Rosen teaches: session initiation protocol (Per Fig 2 and per col. 6 line 59 to col. 7 line 10)

It would have been obvious to add session initiation protocol of the second embodiment to the processing of the combination of the first and second embodiment in order to implement the arbitration using a standards based protocol which will allow for interoperability with standards based system.

In addition the first embodiment of Rosen teaches:

Regarding claim 8, the combination of the first and second embodiment teach: the method as claimed in claim 1 and First embodiment teaches: carrying a push to talk service session (Carrying a PTT associated with net or session per col. 3 line 5 to col. 6 line 30)

Regarding claim 9, further comprising sending the message over an internet protocol multimedia subsystem (Video and music or multimedia over IP per col. 3 lines 37 to 56)

Regarding claim 10, further comprising sending the message over a general packet radio service network (GSM per col. 3 lines 33 to 35 which inherently has a GPRS)

Regarding claim 11, further comprising providing communication session using a packet data protocol context (GSM per col. 3 lines 33 to 35 which inherently has data protocol context)

Regarding claim 12, wherein the sending of the message comprises sending a message form an application server operatively connected to the communication system (GSM per col. 3 lines 33 to 35 which inherently has application server connected to the communication system)

Regarding claim 13, wherein the sending the message comprises sending a message from a push-to-talk over cellular server (sending a push-to-talk request per is sent over BTS per Fig 1 or cellular server)

Referring to claim 14, The first embodiment of Rosen teaches: a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute the process, the process comprising: (memory and processor per col. 4 lines 9 to 11 and software per col. 6 line 1) processing comprising:

Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment of Rosen does not expressly call for: session description protocol

The second embodiment of Rosen teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment of Rosen in performing requesting and granting of the first embodiment of Rosen in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 15, The first embodiment of Rosen teaches: a communication system to provide communication session (Figure 1 shows the system for providing communication net or session) comprising:

A data network configured to provide data communication resources (The combination of the wireless to the BTS and the wired WAN to the CM BTS and NBS as well as The Internet is the data network per Fig 1. The data network has inherent resources such as bandwidth which is allocated)

An application server configured to connect to the data network (The CM or application server is connected to wired WAN, BTS, BSC, Internet and wireless devices via the data network per Fig 1)

wherein the application server is configured to include a floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session and to send the message to a user equipment via the data network (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and to send the message to user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and a processor configured to generate the message is generated as an alert (CM has a processor per col. 4 lines 8 to 11 and alert message is generated per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 20, The first embodiment of Rosen teaches: An apparatus (CM per Fig 1) comprising:

Processor configured to Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: CM has a processor per 4 line 8 to 11 which respond when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

Wherein the processor is sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) via processor per col. 4 lines 8 to 11 to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and configured to generate the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of

the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition first embodiment of Rosen teaches:

Regarding claim 21, further comprising a push to talk application server (The CM (application server) sends a response to push-to-talk request per col. 3 line 5 to col. 6 line 30)

Regarding claim 22, wherein the processor is configured to connect to an internet protocol multimedia subsystem (processor per col. 4 lines 8-11 with Video and music or multimedia over IP per col. 3 lines 37 to 56)

Regarding claim 23, wherein the processor is configured to include the floor status information at least one of an offer for the communication session or an answer to the offer of the communication session (processor per col. 4 lines 8-11 provides grant request or offer per col. 3 line 5 to col. 6 line 30)

Referring to claim 24, the first embodiment of Rosen teaches: A system (Fig 1 comprising:

node configured to including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM or node. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user by the the CM per Figure 1 and per col. 3 line 5 to col. 6 line 30)

processor is configured to send the message from a communication system to a user equipment (The floor status message is sent from the communication manager via the processor per col. 4 lines 8 to 11 to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining

flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 25 the combination of embodiments 1 and 2 of Rosen teach: the system of claim 24 and the message.

The first embodiment does not expressly call for: correlated to session description protocol.
The second embodiment teaches: correlated to session description protocol (per Figure 2 and per col. 6 line 59 to col. 7 line 10)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add correlated to session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 26, the first embodiment of Rosen teaches: A system (Fig 1) comprising:

Including means for including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM which has a processor per col. 4 lines 8 to 11 or including means. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

And sending means for sending a message the message from a communication system to a user equipment (The floor status message is sent from the communication manager which has an inherent port to the WAN or sending means for sending a message to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and generating means for the message (processor per col. lines 8 to 11 or generating means for generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to generating means of the first embodiment in order to simplify the task of responding to request while retaining flexibility for

future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 27, The first embodiment of Rosen teaches: a communication system to (Figure 1 shows the communication system) comprising:

A data network means configured to provide data communication resources (The combination of the wireless to the BTS and the wired WAN to the CM BTS and NBS as well as The Internet is the data network means per Fig 1. The data network has inherent resources such as bandwidth which is allocated)

application server means for connecting to the data network (The CM or application server has an inherent interface or means for connecting which is connected to wired WAN, BTS, BSC, Internet and wireless devices via the data network per Fig 1)

wherein the application server is configured to include a floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session and to send the message to a user equipment via the data network (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30) and sends a message to user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and generating means for generating the message (The message is generated as an alert by CM has a processor or generating means per col. 4 lines 8 to 11 and alert message is generated per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 28, the first embodiment of Rosen teaches: A apparatus (Fig 1) comprising:

Art Unit: 2619

Including means for including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM which has a processor per col. 4 lines 8 to 11 or including means. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

sending means for sending a message the message from a communication system to a user equipment (The floor status message is sent from the communication manager which has an inherent port to the WAN or sending means for sending a message to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and generating means for the message (processor per col. lines 8 to 11 or generating means for generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to generating means of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Response to Amendment

3. Applicant's arguments filed 6/13/08 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with the applicant argument that the Rosen does not expressly call for: including floor status information of a data communication media in relation to part of a communication session in a message carrying communication media information for the communication session and sending the message form a communication system to a user equipment

The first embodiment of Rosen teaches: including floor status information of a data communication media in relation to a part of a communication session in a message carrying

Art Unit: 2619

communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Examiner, Art Unit 2619

RWW